

REMARKS

Claims 14-26 are pending in this application. Reconsideration is requested based on the following remarks.

Claim Rejections - 35 U.S.C. § 102:

Claims 14-17, 25, and 26 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,622,017 to Hoffman et al. (hereinafter "Hoffman"). The rejection is traversed.

One objective of the claimed invention is to recognize and remove defective reconfigurable terminal devices, as described, inter alia at paragraph [0003] of the specification. In this way the detrimental effects produced by defective reconfigurable terminal devices on the overall operation of a radio communication system might be avoided. In one embodiment, the supervised quality criteria depend on where a terminal is situated, as described, inter alia at paragraph [0015] of the specification.

Hoffman, on the other hand, is about downloading features to mobile terminals that have been selected by the terminal user.

Claim 14, in particular, recites:

Authorizing operation of the terminal device in the radio communication system only upon confirmation that the terminal device will be checked for proper functional integrity during operation.

Hoffman neither teaches, discloses, nor suggests, "authorizing operation of the terminal device in the radio communication system only upon confirmation that the terminal device will be checked for proper functional integrity during operation," as recited in claim 14. In Hoffman, equipment 19 validates the handset 5 after executing a handshake and log-in routine, rather than, "authorizing operation of the terminal device in the radio communication system only upon confirmation that the terminal device will be checked for proper functional integrity during operation," as recited in claim 14. In particular, as described at column 8, lines 66 and 67, continuing at column 9, lines 1-10:

The user essentially makes a data call from the handset 5 to the IWF equipment 19. The equipment 19 answers the call and executes a handshake and log-in routine to validate the handset 5 and in some cases to validate the individual user. The IWF equipment 19 temporarily assigns an Internet Protocol (IP) address to the handset for the duration of the data communication. The equipment then provides a two-way data interface, with appropriate protocol conversions, enabling data access to the Internet 21. If desired, the IWF equipment may also initiate dial-out type procedures to push data

communications from the Internet 21 through the network 3 to the particular handset 5.

Since, in Hoffman, equipment 19 validates the handset 5 after only executing a handshake, Hoffman is not checking the terminal device for proper functional integrity, let alone "authorizing operation of the terminal device in the radio communication system only upon confirmation that the terminal device will be checked for proper functional integrity during operation," as recited in claim 14. Claim 14 is submitted to be allowable. Withdrawal of the rejection of claim 14 is earnestly solicited.

Claims 15, 16, and 17 depend from claim 14 and add further distinguishing elements. Claim 16, in particular, recites,

Initiating checking of the terminal device by the confirmation unit in response to the request signal.

Hoffman neither teaches, discloses, nor suggests, "initiating checking of the terminal device by the confirmation unit in response to the request signal," as recited in claim 16. Hoffman, rather describes only making a *routine* call, not, "initiating checking of the terminal device by the confirmation unit in response to the request signal," as recited in claim 16. In particular, as described at column 14, lines 33-42:

To make a routine telephone call, a user dials in the destination number by actuating the appropriate ones of the number keys 67 and then pushes the send (SND) key 77. The microprocessor 51 generates a call request message in the appropriate protocol. This message includes the dialed destination number. The microprocessor causes the digital transceiver 57 to send the message, as a signaling message, for example over the signaling channel of the particular wireless air-interface to a base station, for call set-up processing by the network 3.

Since no checking will be involved in a routine call, Hoffman is not, "initiating checking of the terminal device by the confirmation unit in response to the request signal," as recited in claim 16.

Claims 15, 16, and 17 are thus also submitted to be allowable. Withdrawal of the rejection of claims 15, 16, and 17 is also earnestly solicited.

Claim 25:

Claim 25 recites:

Receiving a confirmation signal from the confirmation unit of the communication system, indicating that that said terminal device will be checked for proper functional integrity during operation in the communication system.

Hoffman neither teaches, discloses, nor suggests, "receiving a confirmation signal from the

confirmation unit of the communication system, indicating that that said terminal device will be checked for proper functional integrity during operation in the communication system,” as recited in claim 25. In Hoffman, rather, transceiver 57 provides two-way wireless communication of information, such as vocoded speech samples and digital message information, rather than, “receiving a confirmation signal from the confirmation unit of the communication system, indicating that that said terminal device will be checked for proper functional integrity during operation in the communication system,” as recited in claim 25. In particular, as described at column 11, lines 58-67, continuing at column 12, lines 1, 2, and 3:

For digital wireless communications, the handset 5 also includes a digital transceiver (XCVR) 57. The invention encompasses embodiments utilizing any type of digital transceivers that conforms to current or future developed digital wireless communication standards. For example, the transceiver 57 could be a TDMA or GSM unit, designed for cellular or PCS operation. In the preferred embodiments, the digital transceiver 57 is a CDMA transceiver. The transceiver 57 provides two-way wireless communication of information, such as vocoded speech samples and digital message information. The transceiver 57 connects through RF send and receive amplifiers (not separately shown) to an antenna 59.

Since, in Hoffman, transceiver 57 provides two-way wireless communication of information, such as vocoded speech samples and digital message information, Hoffman is not “receiving a confirmation signal from the confirmation unit of the communication system, indicating that that said terminal device will be checked for proper functional integrity during operation in the communication system,” as recited in claim 25.

Claim 25 recites further:

Only permitting further operation of said terminal device if said receive device has received the confirmation signal.

Hoffman neither teaches, discloses, nor suggests, “only permitting further operation of said terminal device if said receive device has received the confirmation signal,” as recited in claim 25. In Hoffman, rather, mobile telephone 5, upon initializing for operation in a CDMA system, acquires the pilot channel of the base station 13, obtains system configuration and timing information for the CDMA system, and begins monitoring the CDMA paging channels, rather than, “only permitting further operation of said terminal device if said receive device has received the confirmation signal,” as recited in claim 25. In particular, as described at column 12, lines 4-18:

The mobile telephone 5, upon initializing for operation in a CDMA system, acquires the pilot channel of the base station 13, obtains system configuration and timing information for the CDMA system, and begins monitoring the CDMA paging channels. In particular, the mobile station 5 may perform paging channel

monitoring procedures while in an idle state. The mobile station 5 may operate in a slotted mode, where only selected slots (e.g., one or two slots per slot cycle) are monitored on the paging channel. Alternatively, the mobile station 5 may monitor all paging and control channels if operating in a non-slotted mode. In either case, the mobile station 5 monitors the paging and control channels for a command, and transmits an acknowledgement upon receiving any message that is addressed to the mobile station 5.

Since, in Hoffman, mobile telephone 5, upon initializing for operation in a CDMA system, acquires the pilot channel of the base station 13, obtains system configuration and timing information for the CDMA system, and begins monitoring the CDMA paging channels, Hoffman is not "only permitting further operation of said terminal device if said receive device has received the confirmation signal," as recited in claim 25. Claim 25 is submitted to be allowable. Withdrawal of the rejection of claim 25 is earnestly solicited.

Claim 26:

Claim 26 recites:

Generating a confirmation signal, from which it can be inferred that the at least one terminal device will be checked for proper functional integrity during operation in the communication system.

Hoffman neither teaches, discloses, nor suggests, "generating a confirmation signal, from which it can be inferred that the at least one terminal device will be checked for proper functional integrity during operation in the communication system," as recited in claim 26. In Hoffman, rather, home location register (HLR) 15 stores subscriber profiles for each of the wireless subscribers and their associated digital wireless telephones 5, rather than, "generating a confirmation signal, from which it can be inferred that the at least one terminal device will be checked for proper functional integrity during operation in the communication system," as recited in claim 26. In particular, as described at column 8, lines 29-41:

The wireless network 3 includes a home location register (HLR) 15 that stores subscriber profiles for each of the wireless subscribers and their associated digital wireless telephones 5. The HLR 15 may reside in the home MSC 11 or in a centralized service control point that communicates with the MSC(s) via an out-of-band signaling system such as an SS7 network. As recognized in the art, the HLR 15 stores for each mobile subscriber the subscriber's mobile telephone number, the mobile identification number, and information specifying the wireless services subscribed to by the mobile subscriber, such as numeric paging or text-based paging, data communication services, etc.

Since, in Hoffman, home location register (HLR) 15 stores subscriber profiles for each of the wireless subscribers and their associated digital wireless telephones 5, Hoffman is not

“generating a confirmation signal, from which it can be inferred that the at least one terminal device will be checked for proper functional integrity during operation in the communication system,” as recited in claim 26. Claim 26 is submitted to be allowable. Withdrawal of the rejection of claim 26 is earnestly solicited.

Claim 24:

Claim 24 was rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,813,496 to Numminen et al. (hereinafter “Numminen”). The rejection is traversed.

Numminen relates to a company intranet and in particular to a method for dealing with visitors, as described at column 1, lines 9 and 10. Claim 24, in contrast, recites:

Receiving the confirmation signal indicating that said terminal device will be checked for proper functional integrity during operation.

Numminen neither teaches, discloses, nor suggests, “receiving the confirmation signal indicating that said terminal device will be checked for proper functional integrity during operation,” as recited in claim 24. In Numminen, rather, the IMC allows the phone to attach to the BTS 3 if the signal received back by the MTS indicates that the LU is from a company member, rather than, “receiving the confirmation signal indicating that said terminal device will be checked for proper functional integrity during operation,” as recited in claim 24. In particular, as described at column 6, lines 11-21:

If the signal received back by the MTS indicates that the LU is from a company member, it informs the IMC as such and the IMC then allows the phone to attach to the BTS 3. This means that internal calls between two employees are routed from the first employee to a BTS 3, to the IMC 4, to the MTS 5 and to the second employee via the BTS 3. External calls from an employee to any phone outside the intranet are routed via BTS 3, to the IMC 4, to the MTS 5 and to the A-Intranet Gateway 7, where they are transferred over the A-interface to the TCSM 11. From here they are sent to the MSC and then forwarded to the BSC 12 and to a BTS 13, from where the phone can receive them.

Since, in Numminen, the IMC allows the phone to attach to the BTS 3 if the signal received back by the MTS indicates that the LU is from a company member, Numminen is not “receiving the confirmation signal indicating that said terminal device will be checked for proper functional integrity during operation,” as recited in claim 24.

Claim 24 recites further:

Only permitting further operation of said terminal device if said receive device has received the confirmation signal.

Numminen neither teaches, discloses, nor suggests, “only permitting further operation of said terminal device if said receive device has received the confirmation signal,” as recited in claim 24. In Numminen, rather, the MTS makes a decision as to whether to allow the visitor to access the intranet if the signal received back by the MTS indicates that the LU is from a visitor, rather than, “only permitting further operation of said terminal device if said receive device has received the confirmation signal,” as recited in claim 24. In particular, as described at column 6, lines 22-33:

If the signal received back by the MTS indicates that the LU is from a visitor, the MTS makes a decision as to whether to allow the visitor to access the intranet. This is possible because it can be configured in two ways by use of a single parameter. The parameter can be set by the company IT department, to allow or reject the LU request. The advantage of this process is that the IT department can decide at any particular time whether or not to allow visitors access to the intranet. This could be important at busy periods during which visitors cause considerable extra load on the system. Thus a high service quality can be maintained at all times for company members. The GSM operator may also have the ability to set the parameter, to allow load on the external GSM network to be relieved by the RCP network.

Since, in Numminen, the MTS makes a decision as to whether to allow the visitor to access the intranet if the signal received back by the MTS indicates that the LU is from a visitor, Numminen is not “only permitting further operation of said terminal device if said receive device has received the confirmation signal,” as recited in claim 24.

Furthermore, as described at column 6, lines 34-39:

If the parameter is set so as not to allow visitors access to the intranet, the MTS sends an appropriate signal to the IMC which then prevents the BTS 3 from allowing the phone to attach to it. The phone will remain attached to or search for the nearest external BTS. This can be done using standard GSM codes.

Since, in Numminen, the MTS sends an appropriate signal to the IMC which then prevents the BTS 3 from allowing the phone to attach to it if the parameter is set so as not to allow visitors access to the intranet, Numminen is not “only permitting further operation of said terminal device if said receive device has received the confirmation signal,” as recited in claim 24. Claim 24 is submitted to be allowable. Withdrawal of the rejection of claim 24 is earnestly solicited.

Claim Rejections - 35 U.S.C. § 103:

Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoffman in view of U.S. Patent No. 5,239,677 to Jasinski (hereinafter “Jasinski”). The rejection is traversed. Reconsideration is earnestly solicited.

Claim 18 depends from claim 14 and adds additional distinguishing elements. Hoffman neither teaches, discloses, nor suggests, “authorizing operation of the terminal device in the radio communication system only upon confirmation that the terminal device will be checked for proper functional integrity during operation,” as discussed above with respect to the rejection of claim 14. Jasinski does not either, and thus cannot make up for the deficiencies of Hoffman with respect to claim 18. Thus, even if Hoffman and Jasinski were combined, as proposed in the Office Action, the claimed invention would not result. Claim 18 is submitted to be allowable. Withdrawal of the rejection of claim 18 is earnestly solicited.

Claim 19:

Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoffman and Jasinski in view of U.S. Patent Publication No. 2004/0029585 to Akgun et al. (hereinafter “Akgun”). The rejection is traversed. Reconsideration is earnestly solicited.

Claim 19 depends from claim 14 and adds additional distinguishing elements. Neither Hoffman nor Jasinski teach, disclose, or suggest, “authorizing operation of the terminal device in the radio communication system only upon confirmation that the terminal device will be checked for proper functional integrity during operation,” as discussed above with respect to the rejection of claim 18. Akgun does not either, and thus cannot make up for the deficiencies of either Hoffman or Jasinski with respect to claim 19. Thus, even if Hoffman, Jasinski and Akgun were combined, as proposed in the Office Action, the claimed invention would not result. Claim 19 is submitted to be allowable. Withdrawal of the rejection of claim 19 is earnestly solicited.

Claim 20:

Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoffman, Jasinski and Akgun in view of Official Notice. The rejection is traversed. Reconsideration is earnestly solicited.

Claim 20 depends from claim 14 and adds additional distinguishing elements. Neither Hoffman, Jasinski, nor Akgun teach, disclose, or suggest, “authorizing operation of the terminal device in the radio communication system only upon confirmation that the terminal device will be checked for proper functional integrity during operation,” as discussed above with respect to the rejection of claim 19. Official Notice does not either, and thus cannot make up for the deficiencies of either Hoffman, Jasinski, or Akgun with respect to claim 20. Thus, even if Hoffman, Jasinski and Akgun were combined, as proposed in the Office Action, the claimed invention would not result.

Furthermore, the Office Action takes Official Notice that “it was well known to use the closest base station, with the strongest signal strength among order base station, to perform authentication process via a mobile switch center,” at page 8. The Applicants respectfully traverse the Official Notice and demand authority for the statement. The Applicants specifically point out the following errors in the Office Action.

First, the Office Action uses common knowledge as the principal evidence for the rejection. As explained in M.P.E.P. § 2144.03(E):

Any facts so noticed should . . . serve only to ‘fill in the gaps’ in an insubstantial manner which might exist in the evidentiary showing made by the Examiner to support a particular ground of rejection. It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection was based.

Second, the noticed fact is not considered to be common knowledge or well-known in the art. In this case, the limitation is not of notorious character or capable of instant and unquestionable demonstration as being well-known. Instead, this limitation is unique to the present invention. See M.P.E.P. § 2144.03(A) (“the notice of facts beyond the record which may be taken by the Examiner must be “capable of such instant and unquestionable demonstration as to defy dispute”).

Third, there is no evidence supporting the assertion. See M.P.E.P. § 2144.03(B) (“there must be some form of evidence in the record to support an assertion of common knowledge”).

Fourth, it appears that the rejection is based, at least in part, on personal knowledge. 37 C.F.R. § 1.104(d)(2) requires such an assertion to be supported with an affidavit when called for by the Applicant. Thus, the Applicants call for support for the assertion with an affidavit. Claim 20 is submitted to be allowable. Withdrawal of the rejection of claim 20 is earnestly solicited.

Claim 21:

Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoffman, Jasinski, Akgun, and Official Notice in view of U.S. Patent No. 6,198,919 to Buytaert et al. (hereinafter “Buytaert”). The rejection is traversed. Reconsideration is earnestly solicited.

Claim 21 depends from claim 14 and adds additional distinguishing elements. Neither Hoffman, Jasinski, Akgun, nor Official Notice teach, disclose, or suggest, “authorizing operation of the terminal device in the radio communication system only upon confirmation that the terminal device will be checked for proper functional integrity during operation,” as discussed above with respect to the rejection of claim 20. Buytaert does not either, and thus cannot make

up for the deficiencies of either Hoffman, Jasinski, Akgun, or Official Notice with respect to claim 21. Thus, even if Hoffman, Jasinski, Akgun, Official Notice, and Buytaert were combined, as proposed in the Office Action, the claimed invention would not result.

Furthermore, the Office Action takes Official Notice that “it was well known to use the closest base station, with the strongest signal strength among order base station, to perform authentication process via a mobile switch center,” at page 8. The Applicants respectfully traverse the Official Notice and demand authority for the statement. The Applicants specifically point out the following errors in the Office Action.

First, the Office Action uses common knowledge as the principal evidence for the rejection.

Second, the noticed fact is not considered to be common knowledge or well-known in the art. In this case, the limitation is not of notorious character or capable of instant and unquestionable demonstration as being well-known. Instead, this limitation is unique to the present invention.

Third, there is no evidence supporting the assertion.

Fourth, it appears that the rejection is based, at least in part, on personal knowledge. Thus, the Applicants call for support for the assertion with an affidavit. Claim 21 is submitted to be allowable. Withdrawal of the rejection of claim 21 is earnestly solicited.

Claims 22 and 23:

Claims 22 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoffman, Jasinski, Akgun, Official Notice, and Buytaert in view of U.S. Patent No. 6,842,460 to Olkkonen et al. (hereinafter “Olkkonen”). The rejection is traversed. Reconsideration is earnestly solicited.

Claims 22 and 23 depend from claim 14 and add additional distinguishing elements. Neither Hoffman, Jasinski, Akgun, Official Notice nor Buytaert teach, disclose, or suggest, “authorizing operation of the terminal device in the radio communication system only upon confirmation that the terminal device will be checked for proper functional integrity during operation,” as discussed above with respect to the rejection of claim 21. Olkkonen does not either, and thus cannot make up for the deficiencies of either Hoffman, Jasinski, Akgun, Official Notice or Buytaert with respect to claims 22 and 23. Thus, even if Hoffman, Jasinski, Akgun, Official Notice, Buytaert, and were combined, as proposed in the Office Action, the claimed invention would not result.

Furthermore, the Office Action takes Official Notice that "it was well known to use the closest base station, with the strongest signal strength among order base station, to perform authentication process via a mobile switch center," at page 8. The Applicants respectfully traverse the Official Notice and demand authority for the statement. The Applicants specifically point out the following errors in the Office Action.

First, the Office Action uses common knowledge as the principal evidence for the rejection.

Second, the noticed fact is not considered to be common knowledge or well-known in the art. In this case, the limitation is not of notorious character or capable of instant and unquestionable demonstration as being well-known. Instead, this limitation is unique to the present invention.

Third, there is no evidence supporting the assertion.

Fourth, it appears that the rejection is based, at least in part, on personal knowledge. Thus, the Applicants call for support for the assertion with an affidavit. Claims 22 and 23 are submitted to be allowable. Withdrawal of the rejection of claims 22 and 23 is earnestly solicited.

Allowable Subject Matter:

The Applicant acknowledges with appreciation the allowance of claims 22 and 23 on the Form PTOL-326 accompanying the Office Action.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all of claims 14-26 are allowable over the cited references. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

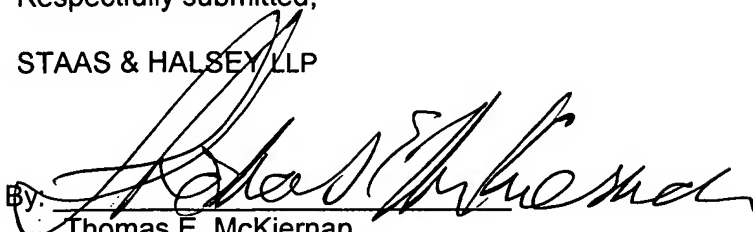
Respectfully submitted,

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